

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 07-20490
Honorable Lawrence P. Zatkoff

AMIR KARIM BEIGALI,

Defendant.

OPINION AND ORDER

At a session of said Court held in the United States
District Court, in the City of Port Huron, County of St. Clair,
State of Michigan on: November 3, 2011

PRESENT: HONORABLE LAWRENCE P. ZATKOFF
United States District Court Judge

Defendant has filed a Motion to Preserve Evidence ("Docket #66), wherein he:

moves this Honorable Court to issue an order directing Federal
Correctional Institution Estill, ITS Coordinator[,] to preserve the recorded
telephone call[s] made on the inmate telephone system at FCI Estill on the
following dates and times:

- (1) 5/24/2011, 9:17:40 AM to Patricia A Streeter, Attorney at
Law;
- (2) 5/24/2011, 9:50:11 AM to Patricia A Streeter, Attorney at
Law.

These phone call[s] will become critical evidence in [Defendant's]
up-coming Section 2255 filing; specifically, the public phone calls will be
evidence of ineffective assistance of counsel and become part of the §
2255 record.

In this case, the Sixth Circuit Court of Appeals affirmed Defendant's conviction and sentence on December 10, 2010, denied Defendant's petition for rehearing on December 27, 2010, and issued a mandate on January 20, 2011. From January 20, 2011 until Defendant's Motion to Preserve Evidence was filed on July 25, 2011, there was no action taken on this case. Therefore, at the time of the telephone conversations Defendant seeks to preserve, (1) the case had been closed - and inactive - for four months, (2) Defendant's status as a convicted felon serving a lengthy prison term had not changed, and (3) Defendant's appeal rights had expired.

Based on the foregoing, the Court finds that, without more, it is irrelevant that Defendant had a conversation (or two) with his legal counsel over four months after this case was closed. Likewise, Defendant's conclusory statement that "the public phone calls will be evidence of ineffective assistance of counsel" has no probative value whatsoever with respect to any alleged ineffectiveness of Defendant's legal counsel in her representation of Defendant throughout the pre-trial, trial and appeal process.

Accordingly, for the foregoing reasons, the Court hereby DENIES Defendant's Motion to Preserve Evidence (Docket #66).

IT IS SO ORDERED.

S/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: November 3, 2011

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on November 3, 2011.

S/Marie E. Verlinde

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Case Manager
(810) 984-3290